

Remarks

Claims 21-26 are pending in the present Application. In the present paper, Applicants have amended claim 21.

Rejection under 35 U.S.C. 112, second paragraph

The Examiner has rejected claims 21 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Examiner continues to object to the terms "arylketone" and "alkylketone". Without acquiescing to the merit of the Examiner's objection, and to advance prosecution, these terms have been deleted from the claims.

The Examiner has also objected to the recitation of "M" in claim 21 being "aryl *optionally* substituted with R⁴", specifically objecting to the word "optionally", asserting that M must always be substituted by at least one R⁴. Applicants have deleted the word "optionally" from the definition of M in claim 21, thereby obviating the objection.

In view of the above amendments, the Examiner is respectfully requested to withdraw the rejection to claim 21.

Obviousness-type Double Patenting Rejection

The Examiner has maintained her provisional rejection of claims 21-30 wherein R¹ is MR⁴ wherein M is phenyl, R⁴ is -C₁₋₆Alkyl-NR²¹SO₂R²², R² is non-heterocyclic, and R³ is substituted or unsubstituted pyrimidine, under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the pending claims of copending Application No. 10/979,075, in view Tetrahedron, Vol. 42, No. 21, pp. 6039-6045, 1986, authors Rubini et al. (hereinafter "Rubini et al.").

Without acquiescing to the merits of the Examiner's rejection, and to advance prosecution, Applicants herewith submit a terminal disclaimer to overcome this rejection.

CONCLUSION

Applicants respectfully request prompt reconsideration of present claims 21-26, and an early allowance of the application.

If the Examiner wishes to comment or discuss any aspect of this application or response, applicants' undersigned attorney invites the Examiner to call him at the telephone number provided below.

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